IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.80885-M of 2006

DATE OF DECISION: FEBRUARY 22, 2007

Jafra and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Divender Bir Singh , Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.Mohd.Yousaf, Advocate,
for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in case FIR No. 40 dated 11.12.2006 registered under Sections 376/506/34 IPC at Police Station Malerkotla, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 22, 2006, the arrest of the petitioners was stayed subject to their joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the petitioners are old parents of Mohd.Shakeel, who is alleged to have committed the rape. The petitioners have no concern with the commission of the said offence and they have been falsely implicated. Counsel for the petitioners further contends that in terms of the interim order dated December 22, 2006, the petitioners have joined the investigation. This fact has not been disputed by the State counsel and he further on instructions from ASI Surinder Singh states that the petitioners are no more required for further investigation as the main accused is already in custody.

In view of the above, the interim order dated December 22,

2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

February 22, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE